

CITY OF MUSKEGON  
**MUSKEGON HOUSING BOARD OF APPEALS**  
MEETING MINUTES  
November 5, 2015

Vice Chairman W. Krick called the meeting to order at 5:30 p.m.

ATTENDANCE: K. Kolberg, W. Krick, R. Mackie, E. Simmons, B. Turnquist

ABSENT: G. Borgman, excused; B. Arthur

STAFF: H. Mitchell; J. Lewis, Public Safety Director; K. Briggs, SAFEbuilt;  
D. Renkenberger

OTHERS: T. Motley, 4534 Frontier Ave, Portage; A. Stewart, 235 W. Larch; A. Bruce, 1520 6<sup>th</sup> St, Apt. 1; L. Strait, 6500 Sullivan, Nunica; N. Spence, 6500 Sullivan, Nunica

**Meeting Minutes:**

A motion to approve the regular meeting minutes of October 1, 2015 was made by B. Turnquist, supported by R. Mackie and unanimously approved.

**Old Business**

Cases were heard out of order from what was listed on the agenda, with those having representation present being heard first.

**EN150274 – 1302 Sanford Street (Nelson Neighborhood).** Ramchandra Mishra, 4534 Frontier Ave., Portage, MI 49024. This case was tabled from the May 2015 meeting with the stipulation that the applicant would not have to come back before the HBA as long as they complied with the approved timeline and stayed in contact with SAFEbuilt as work progressed. The board requested that staff bring this back to the board if the work wasn't being completed as stated, which is the case. Updated photos taken on 10/23/15 were provided. Property taxes are current.

K. Briggs stated that work had not progressed according to the timeline; the repairs were supposed to be completed by the beginning of September, but there was still a lot of work to be done. T. Motley represented the owner. He stated that cost overruns, a change in contractors, and health issues have put them behind schedule; however, they still wished to complete the renovations. K. Briggs stated that the applicant had submitted a note earlier on this date asking for a 30-day extension; however, there was more than 30 days' worth of work to be done. He stated that the board could either grant the extension or declare the house and refer it to City Commission. Staff and board members discussed the options.

A motion to table this case until the January meeting to give the applicant time to finish the work on the house was made by K. Kolberg, supported by E. Simmons and unanimously approved.

**EN155690 – 235 West Larch Avenue (garage only).** Leslie Stewart, 235 W Larch, Muskegon, MI 49441. This case was originally heard at the August 2015 meeting. It was tabled until October to allow the homeowner to clean up the area around the garage and to find a contractor to fix the major defects remaining. At the October meeting, the debris around the garage had been cleaned up and the case was again tabled. The owner was directed to contact SAFEbuilt to establish a timeline and cost estimates for the remaining repairs, and to pull permits before the November meeting. As of 10/30/2015, that had not been done. In addition, the 2013, 2014 and 2015 (summer) taxes are delinquent

A. Stewart appeared on behalf of his mother, L. Stewart. He stated that his mother was out of town and it had been difficult for him to find a contractor due to his work schedule being 7 days per week. W. Krick pointed out that nothing had happened since the last meeting. K. Briggs confirmed that no permits had been pulled. He stated that if they were able to do the work themselves, a licensed contractor would not be required because it was an owner-occupied home. A. Stewart stated that he was not aware that they could do the work themselves; he stated that, if that was the case, he would be able to get the work done within 30 days.

A motion to table this case until the January meeting to allow the homeowner to finish the repairs to the garage was made by K. Kolberg, supported by R. Mackie and unanimously approved. Board members concurred that if the work was completed, the applicant would not have to appear at the January meeting.

**EN157069 – 1451 Park Street** (Nelson Neighborhood). Antwan Bruce, 1520 6th St. Apt. 1, Muskegon, MI 49442. This case was heard by the HBA at the September meeting. The owner was not present and the house was declared. At their meeting on 10/13/2015, the City Commission voted to send this case back to the HBA for review (permits were extended 8/31/2015 for 6 months). The owner was present at the City Commission meeting, with his father. Chief Lewis and H. Mitchell advised the owner after the meeting that he would need to contact SAFEbuilt right away to set up a reasonable timeline for repairs with cost estimates for the items that needed to be completed, so it would be ready before the November meeting of the HBA. The 2015 Summer property taxes were past due to the City Treasurer on 9/14/15.

A. Bruce stated that they have made progress on the repairs. K. Briggs stated that he had not seen any repairs, as SAFEbuilt had not been contacted. A motion to grant the applicant another 60 days to get repairs done was made by B. Turnquist and supported by K. Kolberg, with discussion continuing on the motion. H. Mitchell stated that there was no timeline in place, and no cost estimates submitted yet. K. Briggs stated that those items would be required, and they also needed to pull permits for the work. W. Krick asked about the permits. H. Mitchell explained the history on this case. The applicant had pulled permits but wasn't aware that he was supposed to attend the previous HBA meeting. J. Lewis advised A. Bruce that he must meet with K. Briggs (SAFEbuilt) to establish a timeline and cost estimates.

B. Turnquist requested to withdraw the earlier motion; K. Kolberg concurred. A new motion to allow the applicant another 60 days to do the repairs with the condition that he meet with SAFEbuilt to come up with an acceptable timeline and cost estimates was made by B. Turnquist, supported by K. Kolberg and unanimously approved.

**EN156241 – 340 W. Southern Avenue** (Nelson Neighborhood). Katina Bailey & Katrina Parham, 3231 Mall Ct. Apt. B-2, Michigan City, IN 46360. This case was originally heard at the

September HBA meeting. The board voted to allow the applicant 60 days to work on the items on the defect list, with the understating that there would be substantial progress made on roof repairs, siding repairs, and that the windows and doors would be secured. In addition, a reasonable timeline and cost estimates for the remaining repairs had to be submitted to K. Briggs (SAFEbuilt) by October 14. Property taxes are current.

W. Krick asked if there had been any progress made and if any permits had been pulled. K. Parham stated that they had secured the windows with boards, but they had not done any work on the roof or steps; no permits had been pulled. She stated that she had been working diligently trying to find a contractor, but due to the time of year and the amount of work needed on the house, she had not been able to find one. She stated that they had only owned the house since January and were scammed out of their money by the first contractor they tried to hire. K. Bailey asked why the board chose this house, when there were other houses that seemed to be in worse shape. J. Lewis stated that the reason this house was on the City's radar was due to the fire that had occurred there. That expedites the process, since the fire damage poses an additional danger. He asked K. Parham if she had met any of the conditions that were set at the September meeting. K. Parham stated that she had gotten a quote of \$45,000 from Foster Electric (mistakenly noted as "Fredericks" in the notes she had submitted) to do all the required repairs. It had been difficult to find a contractor for the roof and steps; they were booked up now and most were not taking new jobs at this time due to the impending winter season. B. Turnquist asked what her intent was, once the house was repaired. She stated that family members would be living there. E. Simmons asked if they had the funds to do the repairs, and if it would be worth the cost. K. Parham stated that they didn't have all the money now, which is why they could only do a portion of the work at a time. Since it was a family home, she stated that it was worth the cost to them. K. Briggs stated that they needed to provide a more complete cost estimate with costs broken down into single projects, since that was how they were going to do the work. K. Parham reiterated that she had been unable to get the quotes yet because the contractors she had contacted were already booked for the season. She wanted to get the roof done first, to make sure it was sound before they did work inside the house. E. Simmons asked K. Briggs if he thought the house was worth fixing. K. Briggs explained the fire damage and stated that there were also some foundation issues. He thought it would take more than \$45,000 to complete all repairs. K. Parham stated that most of the damage was contained to one part of the house, where the fire was. J. Lewis explained the process after this hearing. He stated that giving the owners 60 days to do repairs would not solve the problem, since the applicant stated that they could not get a contractor hired and work done until spring. J. Lewis also stated that once the HBA condemned a house, SAFEbuilt has been asked not to issue any further permits, as that had caused some confusion in the past. If the house was declared by the HBA, the only option would be to go to court to obtain superintending control. In that case, substantial funds would have to be held in escrow. K. Kolberg and B. Turnquist stated that they were considering voting for an extension, but wanted to see the items on the defect list addressed individually. They advised the owners not to hold everything up based on a roofing contractor. J. Lewis stressed that, if an extension was granted, the owners must work with K. Briggs of SAFEbuilt to provide a timeline and cost estimates that were clearer and easier to read. H. Mitchell suggested that the quote be provided on a contractor's letterhead. K. Parham stated that it should not be a problem obtaining a quote, as long as the work didn't have to be done right away. K. Briggs advised her that he would explain what was needed when they met.

A motion to table this case until the January meeting, with the understanding that the applicant will obtain written quotes, provided a timeline for repairs, and pull the necessary permits was made by E. Simmons, supported by K. Kolberg and unanimously approved.

**EN158002 – 1592 5<sup>th</sup> St. (Nelson Neighborhood). Donald & Betty Cheeks Trust, 1488 Oak Ave., Muskegon, MI 49442.** A Notice & Order was sent and a copy posted to the structure on 8/14/15. The owner called SAFEbuilt 8/28/15 and stated that they would be calling to schedule a trades inspection the following week; that was not done. The applicant did not appear at the October HBA hearing, and the house was declared. Sometime during this process, the owner did call SAFEbuilt and scheduled a trades inspection for the home on October 5. Staff decided to bring this case back before the HBA so the owner could present a reasonable timetable with costs for the repairs if they wished to fix the home. The 2013, 2014, and summer 2015 taxes are still delinquent.

D. Cheeks stated that he currently has a contractor working on putting bids together. When he gets that information, he will assess whether the house is worth saving. If it isn't, he will arrange to have it demolished.

A motion to table this case until the January meeting to give the applicant time to review the contractors bids and decide whether or not to undertake repairs, was made by R. Mackie, supported by E. Simmons and unanimously approved. K. Briggs reminded Mr. Cheeks to provide a timeline and cost estimate for repairs to SAFEbuilt.

**EN158005 – 900 W Grand Ave. (Nelson Neighborhood). Leila Strait, 6500 Sullivan, Nunica, MI 49448 & 1775 McIlwraith, Muskegon, MI 49442.** This case had been tabled from the October meeting, where the applicant had been advised to contact SAFEbuilt to establish a timeline and costs for repairs by October 15. That has not been done. Property taxes are current.

N. Spence stated that they now had cost estimates, with the total estimated to cost \$35,300. They came up with this number using materials estimates from local home improvement stores. She stated that they planned to do as much work as they could, themselves, and estimated that it would take about 54 months, considering the cost. She stated that they wanted to continue working on the house but could not do it in 6 months' time. W. Krick asked K. Briggs if he had done an interior inspection of the house. K. Briggs stated that he had not. W. Krick asked if permits had been obtained. N. Spence stated that they had permits for the roof and electric, but they were due to expire soon and would need to be renewed. E. Simmons asked if they had done any work to clean up the exterior of the property. N. Spence stated that they had. W. Krick asked if the foundation was solid. K. Briggs stated that he did not know. N. Spence stated that the foundation needed work; it was not falling in, but would require about \$15,000 worth of repairs. Board members and the applicants discussed the amount of work required to fix the items on the defect list. Board members stated that, although their efforts were commendable, they did not think it was advisable to keep putting more money into the house, and the board could not grant a 54-month timeline.

A motion to declare the structure substandard, dangerous and a public nuisance was made by E. Simmons, supported by K. Kolberg and unanimously approved.

**EN130182 – 1780 Jarman** (Marsh Field Neighborhood). Linda Jones, 1676 Pine St., Muskegon, MI 49441. This case first came before the HBA on 12/5/2013. This is the 7th time the case has been brought back before the board. Permits were issued in 2012, 2013 and 2014 and have all expired. The 2014 taxes are delinquent to the County Treasurer as of 10/30/15, and the 2015 Summer taxes are past due to the City Treasurer (due date was 9/14/15).

The applicant was not present at the meeting. K. Briggs stated that he had received an e-mail message from L. Jones, stating that she was unable to leave work to attend. He stated that the board had given her until November to be living at the house, but he was not sure of the status at this point. Board members concurred that the house's appearance had greatly improved.

A motion to table this case until the January meeting with the condition that the applicant provide an updated timeline and cost of repairs, was made by K. Kolberg, supported by E. Simmons and approved. K. Briggs stated that he would e-mail the applicant to let her know of those requirements.

### **Other**

K. Kolberg asked if staff could provide a sample copy of a timeline and cost estimate, so applicants would have a better idea of what was expected when those items were requested. K. Briggs stated that he would provide something.

H. Mitchell discussed the list of demolitions to date.

R. Mackie asked if homeowners were allowed to pull permits to demolish non-owner occupied homes themselves. K. Briggs stated that was not allowed, and he would need to speak with those people.

There being no further business, the meeting was adjourned at 7:15 p.m.